

REMARKS

Currently, claims 1-77 are pending. The Examiner has restricted the claims in the case to three (3) groups broken down as follows:

1. Invention I, claims 1 and 3-31, drawn to an isolated siRNA comprising a sense and an antisense RNA strand targeted to human ICAM-1, cells, plasmids and vectors thereof; and
2. Invention II, claims 2-16, drawn to an isolated siRNA comprising a sense and an antisense RNA strand targeted to mouse ICAM-1 and cells thereof; and
3. Invention III, claims 32-77 drawn to a method of administering an isolated siRNA comprising a sense RNA strand and an antisense RNA strand targeted to human ICAM-1 to cells or tissues.

Applicant respectfully traverses the Restriction Requirement and requests reconsideration. In order to be fully responsive, Applicant has provisionally elected, with traverse, the invention of Invention Group III as defined by claims 32-77 directed to a method of administering an isolated siRNA comprising a sense RNA strand and an antisense RNA strand targeting human ICAM-1.

It is respectfully submitted that the search classification for each invention group will substantially overlap. Each of the claims, as presently recited, are directed to isolated siRNA, wherein the sense strand comprises a nucleotide sequence identical to a target sequence in human ICAM-1 mRNA or mouse ICAM-1 mRNA and methods of using the isolated siRNAs. The Examiner will not be seriously burdened by searching and considering the inventions as described in all the currently pending claims. Accordingly, the Examiner has not established a proper restriction requirement under MPEP§ 803.

By this election, Applicant does not admit, nor does Applicant waive the right to argue against at a later date, the Examiner's statement that the groups of inventions are patentably distinct. Applicants expressly reserve the right to present the claims of Invention Group I or II, or other claims, in one or more divisional, continuation, or continuation-in-part applications at a later date.

Additionally, Applicant has amended claims 32-77 to focus the claims on inhibition of human ICAM-1 mRNA. Accordingly, claims 1-77 are pending, of which claims 1-31 have been withdrawn.

CONCLUSION

Applicant has timely filed this response. In the event that an additional fee is required for this response, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 50-0436.

Should the Examiner have any questions or comments, or need any additional information from Applicant's attorney, he is invited to contact the undersigned at his convenience.

Respectfully submitted,



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Dated: August 14, 2006
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